

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-00080-MOC-DSC**

**HARVEY SMITH,**

**Plaintiff,**

**v.**

**CHARTER COMMUNICATIONS,**

**Defendant.**

**ORDER**

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**THIS MATTER** is before the Court on “Plaintiff’s Motion to Compel...” (document #61) filed January 28, 2020. Pursuant to the Pretrial Order and Case Management Plan, the discovery deadline in this case was January 31, 2020. Document #55 at 3. That Order also directed the parties “to initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery completion deadline so as to comply with this Order.” Id.

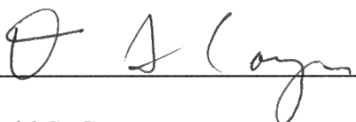
Plaintiff did not serve his discovery requests until January 11, 2020 – less than thirty days before the discovery deadline. Although the requests are untimely, Defendant states in its responsive brief that it will serve responses. Document #62 at 2 and 7.

Accordingly, Plaintiff’s Motion to Compel (document #61) is denied as moot.

The Clerk is directed to send copies of this Order to the pro se Plaintiff, to defense counsel, and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: February 20, 2020



David S. Cayer  
United States Magistrate Judge

